

# EXHIBIT D

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**Middesk, Inc.**

**Plaintiff,**

**v.**

**Osiris Ratings, Inc. d/b/a Baselayer, and**

**Jonathan Awad, and**

**Josh Leviloff,**

**Defendants.**

CIVIL ACTION NO. 1:25-cv-02677

**PLAINTIFF MIDDESK, INC.’S**  
**NOTICE OF DEPOSITION OF DEFENDANT JONATHAN AWAD**

Pursuant to Rule 30 of the Federal Rules of Civil Procedure, Plaintiff Middesk, Inc. (“Plaintiff”) will take the deposition upon oral examination of Defendant Jonathan Awad (“Awad”) on \_\_\_\_\_, \_\_\_\_ 2025 at \_\_\_\_ Eastern Time at Greenberg Traurig, LLP, One Vanderbilt Avenue, New York, New York 10017, or at such other time and place as the parties mutually agree. The deposition will continue from day to day until completed, except Saturdays, Sundays, and holidays.

The deposition will be taken before a court reporter or other person authorized by law to administer oaths, and it will be recorded by video, audio, or stenographic means.

You are invited to attend and participate.

Dated: March 31, 2025

Respectfully submitted,

/s/ Jason D. Burns

Jason D. Burns

Shira M. Poliak

GREENBERG TRAURIG, LLP

One Vanderbilt Avenue  
New York, NY 10017  
(212) 801-9294  
Jason.Burns@gtlaw.com  
Shira.Poliak@gtlaw.com

Justin K. Victor (*phv forthcoming*)  
Fredric J. Bold, Jr. (*phv forthcoming*)  
Rushton Pope (*phv forthcoming*)  
GREENBERG TRAURIG, LLP  
3333 Piedmont Road NE, Suite 2500  
Atlanta, GA 30305  
(678) 553-2100  
victorj@gtlaw.com  
rick.bold@gtlaw.com  
rushton.pope@gtlaw.com

*Counsel for Plaintiff Middelink, Inc.*

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**Josh Leviloff,**

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CIVIL ACTION NO. 1:25-cv-02677

**PLAINTIFF MIDDESK, INC.'S**  
**NOTICE OF DEPOSITION OF DEFENDANT JOSH LEVILOFF**

Please take notice that, pursuant to the Federal Rules of Civil Procedure, Plaintiff Middesk, Inc. ("Plaintiff") will take the deposition upon oral examination of Defendant Josh Leviloff ("Leviloff") on \_\_\_\_\_, 2025 at \_\_\_\_ Eastern Time at Greenberg Traurig, LLP, One Vanderbilt Avenue, New York, New York 10017, or at such other time and place as the parties mutually agree. The deposition will continue from day to day until completed, except Saturdays, Sundays, and holidays.

The deposition will be taken before a court reporter or other person authorized by law to administer oaths, and it will be recorded by video, audio, or stenographic means.

You are invited to attend and participate.

Dated: March 31, 2025

Respectfully submitted,

/s/ Jason D. Burns

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One Vanderbilt Avenue  
New York, NY 10017  
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3333 Piedmont Road NE, Suite 2500  
Atlanta, GA 30305  
(678) 553-2100  
victorj@gtlaw.com  
rick.bold@gtlaw.com  
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*Counsel for Plaintiff Middelink, Inc.*

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**Josh Leviloff,**

**Defendants.**

CIVIL ACTION NO. 1:25-cv-02677

**PLAINTIFF MIDDESK, INC.’S NOTICE OF 30(b)(6) DEPOSITION OF  
DEFENDANT OSIRIS RATINGS, INC. D/B/A BASELAYER**

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Plaintiff Middesk, Inc. (“Plaintiff”) will take the deposition upon oral examination of Defendant Osiris Ratings, Inc. d/b/a Baselayer (“Baselayer”) at Greenberg Traurig, LLP, One Vanderbilt Avenue, New York, New York 10017, commencing at a date and time as may be agreed by the parties and/or as ordered by the Court. The deposition will continue from day to day until completed, except Saturdays, Sundays, and holidays. The deposition will be taken before a court reporter or other person authorized by law to administer oaths, and it will be recorded by video, audio, or stenographic means.

Baselayer must designate one or more officers, directors, managing agents, or other persons who consent to testify on its behalf as to the matters set forth in **Schedule A** to this Notice. The deponent(s) is to bring to the deposition all documents used by the deponent(s) to prepare for the deposition.

Dated: March 31, 2025

Respectfully submitted,

/s/ Jason D. Burns

Jason D. Burns  
Shira M. Poliak  
GREENBERG TRAURIG, LLP  
One Vanderbilt Avenue  
New York, NY 10017  
(212) 801-9294  
Jason.Burns@gtlaw.com  
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GREENBERG TRAURIG, LLP  
3333 Piedmont Road NE, Suite 2500  
Atlanta, GA 30305  
(678) 553-2100  
victorj@gtlaw.com  
rick.bold@gtlaw.com

*Counsel for Plaintiff Middelink, Inc.*

**SCHEDULE A**

**DEFINITIONS**

1. Defendants incorporate the Uniform Definitions for all Discovery Requests pursuant to Local Rule 26.3, as if fully set forth herein, including, without limitation, the definitions of Document and Communications.

2. “Awad” refers to Jonathan Awad.

3. “Communicate,” “communicated,” or “communication” shall mean any act or instance of transferring, transmitting, passing, delivering or giving information in the form of facts, ideas, thoughts, inquiries or otherwise by any means whatsoever. A request for communications includes correspondence, telexes, faxes, telecopies, electronic mail, text messages, SMS, or other mobile-to-mobile device messages, all attachments and enclosures thereto, computer tapes, discs, telephone tape recordings of any other type in any medium of written or oral communications, phone logs, message logs, and notes and memoranda of, or referring or relating to, written or oral communications.

4. “Document(s)” shall be defined consistent with the definition set forth in Local Rule 26.3(c)(2) of the Southern District of New York, and shall include every writing or record of any type and description that is in your possession, custody or control or of which you have knowledge, including, but not limited to, correspondence, memoranda, video or audio tapes, recordings of any kind, stenographic or handwritten notes, studies, publications, books, pamphlets, voice recordings, minutes or statistical compilations, photographs, motion pictures, computer tapes, disks or printouts, emails, electronic files, instant or text messages, electronic or computerized data compilations or any other recorded or graphic material in whatever form including drafts, reproductions and non-identical copies.



5. “Leviloff” refers to Josh Leviloff.

6. “Middesk Documents or Information” means any document drafted by Middesk, with Middesk metadata in it, or containing Middesk’s confidential or proprietary information and/or trade secrets.

7. “Person” means any natural person, business, firm, association, proprietorship, joint venture, organization, partnership, government or governmental agency, corporation or any other form of legal entity.

8. “You” and “Your” all refer to Defendant Baselayer, its agents, representatives, employees, and any other person acting on Baselayer’s behalf.

9. The terms “include” or “including” do not limit the scope of the Topic and shall be construed as meaning including, but not limited to, the particular subject matter identified.

10. The term “any” shall be read to include “any and all”; the term “or” shall be read to include “and”; and the term “and” shall be read to include “or.” The word “including” means “including without limitation.”

### **INSTRUCTIONS**

11. In construing and responding to this Notice, You must comply with the requirements of the Federal Rules of Civil Procedure (including, without limitation, Rule 33 thereof) and the Local Civil Rules of the Southern District of New York. Nothing herein shall be construed to limit the requirements of the Federal Rules or the Local Civil Rules.

12. You shall make sure your designees are prepared to testify fully on the following Topics, after conducting a diligent and thorough investigation into all information within your possession, custody, or control, and educate the designees with such information as needed. If your designees cannot provide full testimony on any Topic, you should so advise us

immediately, specifying the portion of the Topic the designees are unable to answer and providing any information you have regarding the unanswered portion.

13. In the event you refuse to designate a witness on the basis of a claim of attorney-client privilege, you shall at least designate a witness to that portion of the Topic that is unobjectionable and specifically identify that portion of the Topic that is allegedly protected by the attorney-client privilege.

14. In the event you refuse to designate a witness for a Topic because it is overly broad, you shall at least designate a witness to that portion of the Topic that is unobjectionable and specifically identify that portion of the Topic that is allegedly overly broad.

15. Your designees shall bring to this deposition all documents reviewed, relied upon, or consulted in preparation for this deposition.

### **TOPICS**

**TOPIC NO. 1.** All Your communications or investigations with or about Leviloff since January 1, 2025, relating to Middesk or Middesk Documents or Information.

**TOPIC NO. 2.** All Middesk Documents or Information in Your possession, custody or control, including any Middesk Documents or Information used by or disclosed to any third party by Baselayer, since January 2023.

**TOPIC NO. 3.** All devices, cloud storage, email or cell phone accounts, or other data sources issued to or used by Awad or Leviloff for Baselayer business since January 1, 2025.